

MINUTES

LEGISLATIVE FUNCTIONS
MARCH 28, 1977

Members Present: Chairman Glover
Mrs. Brookman
Mr. Bennett
Mr. Bremner
Mr. Coulter
Mr. Murphy
Mrs. Wagner

Members Absent: None

Guests Present: Pat Gothberg, Common Cause
Jean Ford
Assemblyman Kosinski

Chairman Glover called the meeting to order at 3:07 p.m.

AJR 15: Proposes to amend Nevada constitution to require open and public legislative committee meetings and abolish executive sessions of the Senate.

Mr. Coulter stated that this bill amended Section 15 of Article 4 of the constitution by deleting "except the Senate while sitting in executive session and adding "The meetings of any committee of either house shall be open to the public." He gave the history of this section of the constitution and added that research showed that executive sessions had not been used in the last thirty or forty years. He added that last session an open meeting bill passed the Assembly by a 40-0 vote but that legal counsel in the Senate said it could not be mandated because of this section of the constitution, and this bill would correct this. During discussion it was felt that this should read standing committees or select committees.

Mrs. Wagner stated that she was in support of AJR 15 but did agree that it should specify what committees are being addressed **Assembly**

Jean Ford also supported this bill and felt committees should be clarified, that it would give subcommittees more leeway to go to the source of information.

AR 13: Requires reporting of conflicts of interest.

Mr. Kosinski stated that this bill was the outgrowth of legislation from last session that was declared unconstitutional and that a rule

in this form was a minimum step that could be taken, that it could be easily implemented and would restore the public's confidence in the members of the legislature.

The committee discussed the definition of conflict of interest and the fact that sometimes abstention is more to an individual's advantage than a yes or no vote.

Mr. Murphy stated that he felt that this bill and AR 20 could work together whereby the first thing that the Ethics Committee will do is set up guidelines and test rules of what a conflict of interest is or is not. Mrs. Wagner asked Mr. Kosinski if he would have any objections to using this declaration as a guideline for the Ethics Committee or Ethics Commission if they should be established. He stated that he would have no objections, that this bill was a good faith effort and would restore public confidence.

Pat Gothberg, Common Cause of Nevada, read a statement of support for AR 13 (Exhibit A) and any legislation dealing with recognition of conflicts of interest. She added that she felt areas of conflict should be specified and that this might become a duty of the State Commission on Ethics.

Jean Ford stated that she supported the intent of this bill but suggested that rather than list general areas of legislation, one should list his own occupation and statement of economic interest. She also suggested that the committee study the Oregon law which requires that every legislator vote on every bill. She added that this law recognizes that a legislator is representing his district and has an obligation to vote, but must file a statement of economic interest, not net worth, prior to the session. She also stated that she felt that Washington State had one of the best definitions of conflict which says that you have a conflict only if you stand to benefit above and beyond the class of people covered in the bill. She added the economic interest would cover real estate holdings, stock holdings, board of directors and general occupation and should be available in the legislature building for public inspection.

AR 7: Establishes new rules for Assembly standing committees.

Mrs. Wagner stated that this bill sets up rules for each committee to follow, that it came from the interim study on legislative reform, that it does repeal certain standing rules that are in existence, that there are now some variances between committee rules and that it would be helpful to have some guidelines for all committees to follow.

Mr. Glover asked Mrs. Wagner to explain Section 4 which allows meetings to be set by a written petition of a majority for a committee. Mrs. Wagner explained that if a bill had not been heard and was not scheduled by the Chairman, a majority of that committee could

file a request for a bill to be heard. When asked if this might be a ploy of minority members, she stated that it must be a majority of the committee who felt that a bill deserved a hearing.

Mr. Bennett stated that he felt that committees had chairmen to provide leadership, and it should be the judgment of the chairman what bills were heard, that a committee should respect the right of the chairman in order to streamline committee work. Mr. Coulter stated that he liked this legislation and felt that chairmen should be figureheads who administrate.

Mrs. Ford stated that she supported this bill but felt that on page 2 a two-thirds majority requirement should be added to line 13. She added that she strongly supported Section 4 on page 1 which allows meetings to be set by a written petition of a majority of the committee, that it is a right of every legislator to have bills heard.

AR 10: Specifies jurisdictions of Assembly standing committees.

Mrs. Wagner stated that this bill was an attempt to streamline the legislative process by establishing a committee structure parallel to the Senate to facilitate joint hearings and to spread workloads to justify committee existence. She distributed a compilation of bills and resolutions introduced in the Assembly Standing Committees in the last two sessions (Exhibit B). She pointed out that in 1973 if Agriculture and Environment and Public Resources were combined, as outlined in this bill, 90 bills or resolutions would have been referred; Commerce and Labor, 198 bills; Education and Health and Welfare, 162 bills. She added that there could be a problem combining Elections and Government Affairs because in 1973 401 bills would have been referred. In 1975 Agriculture and Environment would have 81 bills referred; Education and Health and Welfare, 116; Commerce and Labor, 208; and Elections and Government Affairs, 338. She added that committee membership could be increased to 9 or 11 or legislators could serve on fewer committees. The committee questioned whether Legislative Functions had sufficient workload to justify its existence as a separate committee, whether bonding questions should be the jurisdiction of the Finance Committee. In discussion they felt that Legislative Functions is a unique committee and should not be combined with Elections, that Elections should be with Government Affairs, and that bonding issues should be left under the jurisdiction of Government Affairs as they are a more legal and governmental question and the Finance Committee would not have time for them.

Mr. Glover stated that the introducers of AB 114 had requested that the committee hold this bill and adjourned the meeting at 4:15 p.m.

Respectfully submitted,

Patricia Hatch

Patricia Hatch, Assembly Attache



NEVADA

March 28, 1977

Testimony before the Assembly Legislative Functions Committee

Re: AR 13

By: Pat Gothberg, CC / Nevada

Common Cause supports any efforts to outline clearly in the rules how conflicts of interest might be recognized and dealt with in a responsible manner. There are a number of bills up for consideration on this subject. Two, considered by this committee a week ago, deal with the establishment of an Assembly Committee on Ethics. AR 13 could possibly be a companion to that bill as AR 13 would provide that each Assemblyman file a declaration before each session of the Legislature listing his potential conflicts. This need for having on file a reference to any potential conflicts could be of assistance to the Assembly Committee on Ethics. This was a subject of discussion during the hearing on SR 13 which would establish a Senate Committee on Ethics. During that hearing, there was some feeling that disclosure statements would be a necessary supplement to the establishment of a committee on ethics within that body.

It would be prudent to consider that there are two bills being considered in this session that would establish an independent state Ethics Commission and would set down the requirements for disclosure. Those statements would more than likely be available for public inspection. If this were the case, it might not be necessary to duplicate the effort by again requiring disclosure statements of legislators. On the other hand, we would suspect that the provisions in AR 13 which refer to the filing with the Chief Clerk of the Assembly and which provide for supplementing the declaration during the session might, in themselves, make serious consideration of this rule addition worthwhile.

The main point is that we hope a discussion will develop in which you will consider all the possibilities. And, if you decide that it would be wise to cover the bases in an addition to the Assembly rules, we would be supportive of that decision.

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EXHIBIT B

SUMMARY

Compilation of Measures Considered by
Assembly Standing Committees
of the
57th Session of the Nevada Legislature (1973)

(* indicates reported out)

Committees	Bills			Resolutions			Grand Total
	Assembly	Senate	Total	Assembly	Senate	Total	
Agriculture	27 17*	1 1*	28 18*	- -	- -	- -	28 18 ¹
Commerce	110 56*	32 26*	142 82*	3 2*	- -	3 2*	145 84 ²
Education	46 18*	21 20*	67 38*	5 4*	1 1*	6 5*	73 43 ³
Elections	49 33*	6 5*	55 38*	2 2*	- -	2 2*	57 40 ^{Council 15}
Environment & Public Resources	43 21*	13 13*	56 34*	3 3*	3 2*	6 5*	62 39 ¹
Government Affairs	245 148*	84 71*	329 219*	12 9*	3 3*	15 12*	344 231 ⁷
Health & Welfare	58 40*	26 24*	84 64*	3 3*	2 2*	5 5*	89 69 ³
Judiciary	198 109*	118 108*	316 217*	15 10*	4 2*	19 12*	335 229 ⁷
Labor & Management	29 12*	23 18*	52 30*	1 -	- -	1 -	53 30 ²
Legislative Functions	11 8*	8 7*	19 15*	41 26*	17 9*	58 35*	77 50 ⁷
Taxation	39 22*	10 9*	49 31*	9 7*	2 1*	11 8*	60 39 ⁷
Transportation	68 53*	39 36*	107 89*	1 1*	- -	1 1*	108 90 ⁷
Ways & Means	119 66*	67 53*	186 119*	3 2*	- -	3 2*	189 121 ⁷
	1042 603*	448 391*	1490 994*	98 69*	32 20*	130 89*	1620 1083 ^A

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SUMMARY

Compilation of Measures Considered by
~~Assembly of the State of Nevada~~
of the
~~58th Session of the Nevada Legislature (1975)~~

(* indicates reported out)

Committees	Bills						Resolutions						Grand Total	
	Assembly		Senate		Total		Assembly		Senate		Total			
Agriculture	23	15*	6	5*	29	20*	1	1*	4	4*	5	5*	34	25*
Commerce	127	70*	30	23*	157	93*	5	4*	2	2*	7	6*	164	99*
Education	24	12*	10	9*	34	21*	3	1*	-	-	3	1*	37	22*
Elections	47	28*	4	4*	51	32*	7	5*	1	1*	8	6*	59	38*
Environment & Public Resources	22	16*	12	10*	34	26*	6	6*	7	7*	13	13*	47	39*
Government Affairs	153	115*	113	105*	266	220*	7	5*	6	4*	13	9*	279	229*
Health & Welfare	44	31*	31	28*	75	59*	3	3*	1	1*	4	4*	79	63*
Judiciary	148	80*	88	73*	236	153*	20	16*	7	7*	27	23*	263	176*
Labor & Management	44	30*	-	-	44	30*	-	-	-	-	-	-	44	30*
Legislative Functions	20	15*	2	2*	22	17*	67	39*	14	11*	81	50*	103	67*
Taxation	41	23*	8	7*	49	30*	9	4*	2	1*	11	5*	60	35*
Transportation	51	28*	37	27*	88	55*	-	-	1	1*	1	1*	89	56*
Ways and Means	116	76*	77	72*	193	148*	-	-	3	2*	3	2*	196	150*
	860	539*	418	365*	1278	904*	128	84*	48	41*	176	125*	1454	1029